



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,899	09/11/2003	Joel D. Daugherty	073897.0147	4188

5073 7590 11/26/2004

BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER

ANWAH, OLISA

ART UNIT PAPER NUMBER

2645

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/659,899

Applicant(s)

DAUGHERTY ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 2645

DETAILED ACTION

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-5, 8-13, 16 and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yuschik et al, U.S. Patent Application Publication No. 2002/0152078 (hereinafter Yuschik).

Regarding claim 1, Yuschik discloses a method for detecting unauthorized access, comprising receiving a voice input associated with a request to access an account; generating a request voice signature corresponding to the voice input associated with the request; retrieving an authorized voice signature corresponding to the account; comparing the request voice signature corresponding to the voice input with the

Art Unit: 2645

authorized voice signature corresponding to the account; and detecting unauthorized access in response to the comparison (paragraphs 0032 and 0034).

Regarding claim 2, see paragraphs 0031-0034 and 0037.

Regarding claim 3, see paragraphs 0031-0034 and 0037.

Regarding claim 4, see paragraphs 0031-0034 and 0037.

Regarding claim 5, see paragraphs 0031-0034 and 0037.

Regarding claim 8, see paragraph 0005.

Claim 9 is rejected for the same reasons as claim 1.

Claim 10 is rejected for the same reasons as claim 2.

Claim 11 is rejected for the same reasons as claim 3.

Claim 12 is rejected for the same reasons as claim 4.

Claim 13 is rejected for the same reasons as claim 5.

Claim 16 is rejected for the same reasons as claim 8.

Claim 21 is rejected for the same reasons as claim 1.

3. Claims 1, 9 and 17-20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kuhn et al, U.S. Patent No. 6,141,644 (hereinafter Kuhn).

Regarding claim 17, Kuhn discloses a method for identifying a fraudulent voice signature, comprising:

accessing a fraudulent voice signature file comprising a plurality of fraudulent voice signatures (21b from Figure 3);

Art Unit: 2645

receiving a user voice signature (44 from Figure 4);  
comparing the user voice signature to at least a portion of  
the plurality of fraudulent voice signatures (66 from Figure 4);  
determining whether the user voice signature matches a  
fraudulent voice signature (68 from Figure 4);  
identifying the user voice signature as fraudulent if the  
user voice signature matches a fraudulent voice signature (69  
from Figure 4).

Regarding claim 18, see Figure 4.

Claim 19 is rejected for the same reasons as claim 17.

Regarding claim 20, see Figure 4.

Regarding claim 1, see Figures 3 and 4.

Claim 9 is rejected for the same reasons as claim 1.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which  
forms the basis for all obviousness rejections set forth in this  
Office action:

(a) A patent may not be obtained though the invention is not identically  
disclosed or described as set forth in section 102 of this title, if the  
differences between the subject matter sought to be patented and the prior  
art are such that the subject matter as a whole would have been obvious at  
the time the invention was made to a person having ordinary skill in the

Art Unit: 2645

art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 14 are rejected under 35 U.S.C § 103(a) as being unpatentable over Yuschik in view of Kuhn.

Regarding claim 6, Yuschik fails to teach accessing a fraudulent voice signature file and identifying a user associated with the request voice signature in accordance with the fraudulent voice signature file. However Kuhn discloses this limitation (see 21a, 21b from Figure 3 and 66, 68 and 69 from Figure 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yuschik with the fraudulent voice signature file taught by Kuhn. This modification would have improved the efficiency of Kuhn by using a model-based analytical approach as suggested by Kuhn.

Claim 14 is rejected for the same reasons as claim 6.

6. Claims 7, 15 and 22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Kuhn in view of Yuschik.

With respect to claim 7, Kuhn discloses accessing a fraudulent voice signature file and determining if the fraudulent voice signature file comprises the request voice signature (see Figures 3 and 4). Kuhn does not explicitly teach

Art Unit: 2645

adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signature. "Official Notice" is taken that this limitation is both old and well known in the art.

Therefore it would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify Kuhn with

adding the request voice signature to the fraudulent voice signature file if the fraudulent voice signature file does not comprise the request voice signature. This modification would have improved the adaptability of Kuhn by storing unauthorized voices in the event that the authorities need it as suggested by Yuschik (paragraph 0044).

Claim 15 is rejected for the same reasons as claim 7.

Claim 22 is rejected for the same reasons as claim 7.

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the

Art Unit: 2645

organization where this application or proceeding is assigned  
are 703-872-9314 for regular communications and 703-872-9314 for  
After Final communications.

Any inquiry of a general nature or relating to the status  
of this application or proceeding should be directed to the  
receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
October 27, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

